HOUSE BILL 229

By Moore

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 51, relative to charitable solicitations in roadways.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, is amended by adding the following as a new part thereto:

§ 7-51-1701.

(a) A municipality shall grant authorization for a person to stand in a roadway to solicit charitable contributions if the persons to be engaged in the solicitation are employees or agents of the municipality and the other requirements of this part are met.

(b) For purposes of this part, "Municipality" means any incorporated city or town, metropolitan government, or county.

§ 7-51-1702.

(a) A person seeking authorization pursuant to this part shall file a written application with the municipality no later than eleven (11) days before the date the charitable solicitation is to begin. The application must include:

(1) The date and times when the solicitation is to occur;

(2) Each location at which solicitation is to occur; and

(3) The number of individuals to be involved in solicitation at each location.

(b) The applicant shall also furnish to the municipality advance proof of liability insurance in the amount of at least one million dollars ($1,000,000) to cover damages that may arise from the solicitation. The insurance must provide coverage against claims against the applicant and against the municipality.

§ 7-51-1703.

This part does not prohibit a municipality from requiring a permit or the payment of reasonable fees to the municipality.

§ 7-51-1704.

A municipality, by acting pursuant to this part, does not waive or limit any immunity from liability that is applicable under law to the municipality. The issuance of an authorization pursuant to this part and the conducting of the solicitation authorized is a governmental function of the municipality.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.